

CHAPTER NO. 678

SENATE BILL NO. 2162

By Dixon

Substituted for: House Bill No. 2694

**By Armstrong, John DeBerry, Larry Miller, Henri Brooks, Larry Turner, Bowers,
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AN ACT to amend Tennessee Code Annotated, Title 63, relative to the legibility of prescriptions issued by health care providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The title of this act is, and may be cited as, the "Medication Error Reduction Act of 2004".

SECTION 2. It is the intent of the general assembly to create a uniform standard that health care providers must follow in issuing written or electronic prescription orders. This standard is intended to reduce medication related errors, which represent a major source of medical errors in the health care system. The general assembly finds that reducing medical errors will result in greater safety for patients as well as cost savings for the health care system in this state. By adopting these standards, the general assembly intends to promote medical safety for all patients who are issued drug prescriptions in this state.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 3, Part 1, is amended by adding the following as a new, appropriately designated section:

§ 63-3-127. Any written or electronic order for a drug prepared by a podiatrist who is authorized by law to prescribe a drug must be legibly printed or typed so that it is comprehensible by the pharmacist who fills the prescription. The written or electronic order must contain the name of the prescribing podiatrist; the name and strength of the drug prescribed; the quantity of the drug prescribed (written in both letters and numerals); instructions for the proper use of the drug; and the month and day that the prescription was issued (written in letters or in numerals). The prescribing podiatrist must sign the written or electronic order on the day it is issued. Nothing in this section shall be construed to prevent a podiatrist from issuing a verbal prescription order.

SECTION 4. Tennessee Code Annotated, Section 63-5-122, is amended by adding the following as a new, appropriately designated subsection:

(c) Any written or electronic order for a drug prepared by a dentist who is authorized by law to prescribe a drug must be legibly printed or typed so that it is comprehensible by the pharmacist who fills the prescription. The written or electronic order must contain the name of the prescribing dentist; the name and strength of the drug prescribed; the quantity of the drug prescribed (written in both letters and numerals); instructions for the proper use of the drug; and the month and day that the prescription was issued (written in letters or numerals). The prescribing dentist must sign the written or electronic order on the day it is issued. Nothing in this section shall be construed to prevent a dentist from issuing a verbal prescription order.

SECTION 5. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new, appropriately designated section:

§ 63-6-235. Any written or electronic order for a drug prepared by a physician or surgeon who is authorized by law to prescribe a drug must be legibly printed or typed so that it is comprehensible by the pharmacist who fills the prescription. The written or electronic order must contain the name of the prescribing physician or surgeon; the name and strength of the drug prescribed; the quantity of the drug prescribed (written in both letters and numerals); instructions for the proper use of the drug; and the month and day that the prescription was issued (written in letters or in numerals). The prescribing physician or surgeon must sign the written or electronic order on the day it is issued. Nothing in this section shall be construed to prevent a physician or surgeon from issuing a verbal prescription order.

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 8, Part 1, is amended by adding the following as a new, appropriately designated section:

§ 63-8-126. Any written or electronic order for a drug prepared by an optometrist who is authorized by law to prescribe a drug must be legibly printed or typed so that it is comprehensible by the pharmacist who fills the prescription. The written or electronic order must contain the name of the prescribing optometrist; the name and strength of the drug prescribed; the quantity of the drug prescribed (written in both letters and numerals); instructions for the proper use of the drug; and the month and day that the prescription was issued (written in letters or in numerals). The prescribing optometrist must sign the written or electronic order on the day it is issued. Nothing in this section shall be construed to prevent an optometrist from issuing a verbal prescription order.

SECTION 7. Tennessee Code Annotated, Title 63, Chapter 9, Part 1, is amended by adding the following as a new, appropriately designated section:

§ 63-9-115. Any written or electronic order for a drug prepared by an osteopathic physician who is authorized by law to prescribe a drug must be legibly printed or typed so that it is comprehensible by the pharmacist filling the prescription. The written or electronic order must contain the name of the prescribing osteopathic physician; the name and strength of the drug prescribed; the quantity of the drug prescribed (written in both letters and numerals); instructions for the proper use of the drug; and the month and day that the prescription was issued (written in letters or in numerals). The prescribing osteopathic physician must sign the written or electronic order on the day it is issued. Nothing in this section shall be construed to prevent an osteopathic physician from issuing a verbal prescription order.

SECTION 8. Tennessee Code Annotated, Title 63, Chapter 10, Part 4, is amended by adding the following as a new, appropriately designated section:

§ 63-10-413. (a) No pharmacist may dispense medication pursuant to a written or electronic order issued by a prescriber in this state unless the written or electronic order is legibly printed or typed so that it is comprehensible to the pharmacist. Nothing in this section shall be construed to prohibit a pharmacist from dispensing medication pursuant to a verbal prescription order.

(b) If a health care provider issues a prescription order, then it is the duty of the prescriber to issue a legible order. A pharmacist shall contact the prescriber to seek clarification of a written prescription order that is not

comprehensible to the pharmacist, in which case the pharmacist must not dispense medication until the pharmacist obtains clarification. A pharmacist shall not be liable to any person for any reasonable delay caused when a pharmacist has reasonably sought clarification of a prescription order.

(c) Nothing in this section shall be construed to prevent a pharmacist from dispensing medication prior to authorization in accordance with § 63-10-407.

SECTION 9. Tennessee Code Annotated, Section 63-7-123(b)(3), is amended by adding the following language at the end of that subdivision:

Any written or electronic prescription order for a drug prepared by a nurse practitioner who is authorized by law to prescribe a drug must be legibly printed or typed so that it is comprehensible by the pharmacist filling the prescription. The written or electronic prescription order must contain the name of the prescribing nurse practitioner; the name and strength of the drug prescribed; the quantity of the drug prescribed (written in both letters and numerals); instructions for the proper use of the drug; and the month and day that the prescription was issued (written in letters or in numerals). The prescribing nurse practitioner must sign the written or electronic prescription order on the day it is issued. Nothing in this section shall be construed to prevent a nurse practitioner from issuing a verbal prescription order.

SECTION 10. Tennessee Code Annotated, Section 63-19-107(2)(G), is amended by adding the following language at the end of that subdivision:

Any written or electronic prescription order for a drug prepared by a physician assistant who is authorized by law to prescribe a drug must be legibly printed or typed so that it is comprehensible by the pharmacist filling the prescription. The written or electronic prescription order must contain the name of the prescribing physician assistant; the name and strength of the drug prescribed; the quantity of the drug prescribed (written in both letters and numerals); instructions for the proper use of the drug; and the month and day that the prescription was issued (written in letters or in numerals). The prescribing physician assistant must sign the written or electronic prescription order on the day it is issued. Nothing in this section shall be construed to prevent a physician assistant from issuing a verbal prescription order.

SECTION 11. Nothing in this act shall be construed as limiting any practitioner's or pharmacist's ability to order the use of or distribute non-prescription drugs or devices otherwise in accordance with applicable law.

SECTION 12. Nothing in this act shall be construed as limiting any professional nurse's ability to issue drugs in accordance with the provisions of Tennessee Code Annotated, Section 63-7-124.

SECTION 13. The Department of Health, division of health related boards and the board of pharmacy, are authorized to promulgate uniform rules to effect the purposes of this act in accordance with Tennessee Code Annotated, Title 4, Chapter 5. The power and duty to enforce those rules shall be vested in the various boards that regulate health care providers affected by this act, in accordance with Tennessee Code Annotated, Section 63-1-122.


SECTION 14. This act shall not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 16. For purposes of issuing rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 6, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of May 2004


PHIL BREDESEN, GOVERNOR